

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 23, 2024
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB24-1460 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, lines 2 and 3, strike "**amend** (1)(c); and".
- 2 Page 2, strike lines 5 through 10 and substitute:
3 "**to intervene.** (2.5) (a) IF A LAW ENFORCEMENT AGENCY RECEIVES AN
4 ALLEGATION OF UNLAWFUL CONDUCT REGARDING A PEACE OFFICER
5 EMPLOYED BY".
- 6 Page 3, after line 3, insert:
7 "(II) IF A LAW ENFORCEMENT AGENCY FAILS TO INVESTIGATE,
8 COLLUDES IN FAILING TO INVESTIGATE, OR DESTROYS OR ALTERS
9 EVIDENCE IN AN INVESTIGATION, THOSE ACTIONS CONSTITUTE
10 DISCRIMINATION FOR PURPOSES OF PART 3 OF ARTICLE 34 OF TITLE 24".
- 11 Page 3, line 4, strike "(II)" and substitute "(b) (I)".
- 12 Page 3, strike line 5 and substitute "UNLAWFUL CONDUCT".
- 13 Page 3, lines 6 and 7, strike "MISCONDUCT, CRIMINAL CONDUCT, OR OTHER
14 UNPROFESSIONAL CONDUCT" and substitute "UNLAWFUL CONDUCT".
- 15 Page 3, strike lines 10 through 27.
- 16 Strike page 4 and substitute:
17 "(II) IF A PEACE OFFICER IN A SUPERVISORY CAPACITY FAILS TO
18 REPORT THE UNLAWFUL CONDUCT PURSUANT TO SUBSECTION (2.5)(b)(I)
19 OF THIS SECTION, THE P.O.S.T. BOARD MAY REVOKE THE PEACE OFFICER'S
20 CERTIFICATION PURSUANT TO SECTION 24-31-305 AND THE ATTORNEY
21 GENERAL MAY ADD THE PEACE OFFICER TO THE DATABASE DESCRIBED IN

1 SECTION 24-31-303 (1)(r)."

2 Renumber succeeding sections accordingly.

3 Page 5, line 2, strike "(1)(r)(II)" and substitute "(1)(r)(II); and **add**
4 (1)(r)(I)(I) and (1)(r)(V)".

5 Page 5, after line 4 insert:

6 "(r) (I) Subject to available appropriations, beginning on January 1, 2022,
7 to create and maintain a database, in a searchable format to be published
8 on its website, containing information related to a peace officer's:

9 (I) FAILURE TO COMPLY WITH SECTION 18-8-802 (2.5)."

10 Page 5, line 5, strike "(r)".

11 Page 5, line 15, after the period add "IF THE ATTORNEY GENERAL
12 DETERMINES DURING AN AUDIT PURSUANT TO THIS SUBSECTION (1)(r)(II)
13 THAT A PEACE OFFICER IS ELIGIBLE TO BE ADDED TO THE DATABASE, THE
14 ATTORNEY GENERAL SHALL ADD THE PEACE OFFICER TO THE DATABASE."

15 Page 5, after line 15 insert:

16 "(V) IF THE ATTORNEY GENERAL DETERMINES THAT A PEACE
17 OFFICER WAS ADDED TO DATABASE AS A MEANS OF RETALIATION, THE
18 ATTORNEY GENERAL SHALL REMOVE THE PEACE OFFICER FROM THE
19 DATABASE. IF A PEACE OFFICER WAS SUBJECT TO RETALIATION IN
20 VIOLATION OF SECTION 24-31-906, THERE IS A REBUTTABLE PRESUMPTION
21 THAT THE PEACE OFFICER SHOULD BE REMOVED FROM THE DATABASE."

22 Page 5, line 17, after "(2)(a)" insert "and (2)(b)(III)".

23 Page 5, line 19, after "is" insert "AN OFFICER-INVOLVED SHOOTING OR".

24 Page 5, line 21, after "in" insert "THE OFFICER-INVOLVED SHOOTING OR".

25 Page 5, line 27, strike "THE" and substitute "NOTWITHSTANDING THE
26 PROVISIONS OF SECTIONS 24-72-205 AND 24-72-306, THE".

27 Page 6, after line 3 insert:

28 "(b) (III) Any video that would substantially interfere with or
29 jeopardize an active or ongoing investigation may be withheld from the
30 public; except that the video shall be released no later than forty-five days
31 from the date of the OFFICER-INVOLVED SHOOTING OR THE allegation of

1 misconduct; except that in a case in which the only offenses charged are
2 statutory traffic infractions, the release of the video may be delayed
3 pursuant to rule 8 of the Colorado rules for traffic infractions. In all cases
4 when release of a video is delayed in reliance on this subsection
5 (2)(b)(III), the prosecuting attorney shall prepare a written explanation of
6 the interference or jeopardy that justifies the delayed release,
7 contemporaneous with the refusal to release the video. Upon release of
8 the video, the prosecuting attorney shall release the written explanation
9 to the public."

10 Page 6, strike lines 9 through 13 and substitute:

11 "REASSIGNMENT; discriminate against; harass; SUSPEND; ENFORCE
12 CORRECTIVE ACTION; REPRIMAND; ADMONISH; CREATE A BASELESS
13 UNSATISFACTORY OR BELOW-STANDARD PERFORMANCE EVALUATION;
14 IMPOSE A REDUCTION IN FORCE; WITHHOLD WORK; CHANGE WORK HOURS;
15 PROVIDE A BASELESS NEGATIVE REFERENCE; CREATE OR TOLERATE A
16 HOSTILE WORK ENVIRONMENT; or threaten ~~a peace officer's employment~~
17 ANY DISCIPLINE OR PENALTY because the peace officer disclosed
18 information that shows:"

19 Page 6, strike lines 25 through 27.

20 Page 7, strike lines 1 through 21 and substitute:

21 "(4) IF A LAW ENFORCEMENT AGENCY VIOLATES SUBSECTION (1)
22 OF THIS SECTION, THE VIOLATION CONSTITUTES DISCRIMINATION FOR
23 PURPOSES OF PART 3 OF ARTICLE 34 OF THIS TITLE 24."

24 Page 8, line 9, strike "THREE".

25 Page 8, strike line 10 and substitute "TEN YEARS AFTER THE DATE OF THE
26 INITIAL REPORT OR THE LENGTH OF THE PEACE OFFICER'S EMPLOYMENT,
27 WHICHEVER IS LONGER."

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